

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

ROBERT LESTER, -
-
Plaintiff, -
-
v. - PLAINTIFF'S
- COMPLAINT
- 5 : 12-CV-186
COMMERCIAL RECOVERY SYSTEMS, INC., -
-
Defendant. -

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, ROBERT LESTER (Plaintiff), through his attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, COMMERCIAL RECOVERY SYSTEMS, INC., (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Defendant conducts business in the state of Georgia, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1331(b)(2)*.

PARTIES

5. Plaintiff is a natural person residing in Fort Valley, Peach County, Georgia.

6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*.
8. Defendant is a collection agency with a business office in Dallas, Texas.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. Defendant is attempting to collect a debt from Plaintiff with on behalf of the original creditor GE Capital Retail Bank, Defendant's reference #3318921.
11. Plaintiff's alleged debt arises from transactions for personal, family, and household purposes.
12. Defendant calls Plaintiff on his cell phone (850-246-15xx).
13. Defendant requests Plaintiff to return the calls to 800-214-5392, a number belonging to Defendant.
14. In or around March of 2012, Defendant has left voicemail messages for Plaintiff which failed to disclose the caller's identity. *See* transcribed voicemails attached hereto as Exhibit A.
15. In or around March of 2012, Defendant has left voicemail messages for Plaintiff which fail to disclose in subsequent communications that the communication is from a debt collector. *See* Exhibit A.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.
- b. Defendant violated §1692d(6) of the FDCPA by placing telephone calls without meaningful disclosure of the caller's identity.
- c. Defendant violated §1692e of the FDCPA by using false, deceptive, and misleading representations in connection with the collection of any debt.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt.
- e. Defendant violated §1692e(11) of the FDCPA by failing to disclose in subsequent communications that the communication was from a debt collector.

WHEREFORE, Plaintiff, ROBERT LESTER, respectfully requests judgment be entered against Defendant, COMMERCIAL RECOVERY SYSTEMS, INC., for the following:

17. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,

18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,

15 U.S.C. 1692k

19. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: May 24, 2012

KROHN & MOSS, LTD.

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